



2007 SENATE BILL 554

March 4, 2008 – Introduced by Senator PLALE, cosponsored by Representative KLEEFISCH. Referred to Committee on Commerce, Utilities and Rail.

1 **AN ACT** *to renumber and amend* 101.981 (1) (c); *to amend* 101.19 (1) (k),
2 101.983 (1) (a), 101.983 (2) (a), 101.983 (2) (c), 101.983 (2) (d), 101.984 (1),
3 101.984 (2) (a) and 101.984 (2) (b); *to create* 101.981 (1) (c) 5., 101.9815,
4 101.983 (3) and 101.984 (2m) of the statutes; and *to affect* 2005 Wisconsin Act
5 456, section 7 (2), 2005 Wisconsin Act 456, section 7 (3) and 2005 Wisconsin Act
6 456, section 7 (5); **relating to:** exempting certain lifts from the statutes
7 regulating the installation of elevators and similar conveyances, exempting
8 personnel hoists and material hoists from the statutes regulating the
9 installation and operation of elevators and similar conveyances, rules
10 implementing the statutes regulating the installation and operation of
11 elevators and similar conveyances, and delaying the effective date for statutes
12 regulating the installation and operation of elevators and similar conveyances.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce (Commerce) regulates the installation, alteration, and operation of elevators, escalators, and similar

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conveyances. This law requires Commerce to promulgate a safety code for installing and operating these conveyances, and the law requires persons installing and operating elevators to hold licenses or permits. These provisions were effective June 1, 2007. This bill delays this effective date to June 1, 2008.

The bill also excludes platform lifts, stairway chair lifts, and similar lifts that move people and that serve personal residences from these licensing and permitting requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.19 (1) (k) of the statutes, as created by 2005 Wisconsin Act 456,
2 is amended to read:

3 101.19 (1) (k) Administering subch. VII, except that the department may not
4 charge a fee for an emergency elevator mechanic's license under s. 101.985 (2) (c) ~~or~~
5 ~~a conveyance operation permit under s. 101.983 (2) for a platform lift, stairway chair~~
6 ~~lift, or any other lift in a private residence. This paragraph applies beginning on~~
7 June 1, 2008.

8 **SECTION 2.** 101.981 (1) (c) of the statutes is renumbered 101.981 (1) (c) (intro.)
9 and amended to read:

10 101.981 (1) (c) (intro.) "Conveyance" means an elevator, an escalator, a
11 dumbwaiter, a belt manlift, a moving walkway, a platform lift, ~~a personnel hoist, a~~
12 ~~material hoist~~ and a stairway chair lift, and any other similar device, such as an
13 automated people mover, used to elevate or move people or things, as provided in the
14 rules of the department. "Conveyance" does not include ~~a~~ any of the following:

- 15 1. A grain elevator ~~a~~.
- 16 2. A ski lift or towing device, ~~or an~~.
- 17 3. An amusement or thrill ride.

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1 **SECTION 3.** 101.981 (1) (c) 5. of the statutes is created to read:

2 101.981 (1) (c) 5. A personnel hoist or a material hoist.

3 **SECTION 4.** 101.9815 of the statutes is created to read:

4 **101.9815 Applicability.** Sections 101.983, 101.984, 101.985, and 101.988
5 apply beginning on June 1, 2008.

6 **SECTION 5.** 101.983 (1) (a) of the statutes, as created by 2005 Wisconsin Act 456,
7 is amended to read:

8 101.983 (1) (a) *Permit required.* ~~No~~ Except as provided in sub. (3), no person
9 may construct, install, or alter a conveyance in this state unless an elevator
10 contractor licensed by the department under s. 101.985 (1) has received a permit for
11 the construction, installation, or alteration from the department.

12 **SECTION 6.** 101.983 (2) (a) of the statutes, as created by 2005 Wisconsin Act 456,
13 is amended to read:

14 101.983 (2) (a) *Permit required.* ~~No~~ Except as provided in sub. (3), no person
15 may allow a conveyance to be operated on property owned by the person unless the
16 person has received a permit for the operation from the department. The department
17 may not issue a permit required under this paragraph until all inspections required
18 under par. (c) are completed.

19 **SECTION 7.** 101.983 (2) (c) of the statutes, as created by 2005 Wisconsin Act 456,
20 is amended to read:

21 101.983 (2) (c) *Inspections.* The department may not issue or renew a permit
22 under this subsection unless the department has received an inspection report for
23 the conveyance issued by an elevator inspector licensed under s. 101.985 (3)
24 indicating that the conveyance complies with this subchapter and any applicable
25 rules promulgated under this subchapter. ~~Upon request of the owner of a private~~

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1 ~~residence containing a newly installed platform lift, stairway chair lift, or residential~~
2 ~~lift or of the new owner of a private residence containing a previously installed~~
3 ~~platform lift, stairway chair lift, or residential lift, the department shall inspect the~~
4 ~~lift or equipment for compliance with this subchapter and any applicable rules~~
5 ~~promulgated under this subchapter. This inspection by the department does not~~
6 ~~exempt the owner from the requirement to ensure that the department receives an~~
7 ~~inspection report from a licensed elevator inspector. Upon performing this~~
8 ~~inspection, the department shall give the owner notice of relevant conveyance safety~~
9 ~~requirements and shall instruct the owner as to the procedure for obtaining periodic~~
10 ~~inspections and renewing the permit under which the lift or equipment is operated.~~

11 **SECTION 8.** 101.983 (2) (d) of the statutes, as created by 2005 Wisconsin Act 456,
12 is amended to read:

13 101.983 (2) (d) *Term and posting requirements.* A permit issued under this
14 subsection has a term of one year, ~~except that a permit applicable to a platform lift,~~
15 ~~stairway chair lift, or residential lift in a private residence is valid until ownership~~
16 ~~of the private residence is transferred, at which time the new owner shall apply for~~
17 ~~renewal of the permit under par. (b).~~ The owner of the building or residence in which
18 a conveyance is located shall display the permit under par. (a) applicable to the
19 conveyance on or in the conveyance or, if applicable, in the machinery room.

20 **SECTION 9.** 101.983 (3) of the statutes is created to read:

21 101.983 (3) **RESIDENTIAL LIFTS.** The permit requirements under subs. (1) and
22 (2) do not apply to the construction, installation, alteration, or operation of a platform
23 lift, a stairway chair lift, or any other type of lift that moves people if the platform
24 lift, stairway chair lift, or other type of lift serves an individual residential dwelling
25 unit.

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1 **SECTION 10.** 101.984 (1) of the statutes, as created by 2005 Wisconsin Act 456,
2 is amended to read:

3 101.984 (1) ELEVATOR CONTRACTOR. ~~No~~ Except as provided in sub. (2m), no
4 person may engage in the business of constructing, installing, altering, servicing,
5 replacing, or maintaining conveyances in this state unless the person is licensed as
6 an elevator contractor under s. 101.985 (1).

7 **SECTION 11.** 101.984 (2) (a) of the statutes, as created by 2005 Wisconsin Act
8 456, is amended to read:

9 101.984 (2) (a) *Generally.* Except as provided in par. (c) and sub. (2m), no
10 individual may erect, construct, alter, replace, maintain, repair, remove, or
11 dismantle any conveyance in this state unless the individual is licensed as an
12 elevator mechanic under s. 101.985 (2) or is under the direct supervision of a person
13 licensed as an elevator contractor under s. 101.985 (1).

14 **SECTION 12.** 101.984 (2) (b) of the statutes, as created by 2005 Wisconsin Act
15 456, is amended to read:

16 101.984 (2) (b) *Electrical construction.* Except as provided in par. (c) and sub.
17 (2m), no individual may wire any conveyance in this state from the mainline feeder
18 terminals on the controller unless the individual is licensed as an elevator mechanic
19 under s. 101.985 (2) or is under the direct supervision of a person licensed as an
20 elevator contractor under s. 101.985 (1).

21 **SECTION 13.** 101.984 (2m) of the statutes is created to read:

22 101.984 (2m) RESIDENTIAL LIFTS. The licensing requirements under subs. (1)
23 and (2) (a) and (b) do not apply to the erection, construction, installation, alteration,
24 servicing, replacement, maintenance, repair, removal, dismantling, or wiring of a
25 platform lift, a stairway chair lift, or any other type of lift that moves people if the

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1 platform lift, stairway chair lift, or other type of lift serves an individual residential
2 dwelling unit.

3 **SECTION 14.** 2005 Wisconsin Act 456, section 7 (2) is amended to read:

4 [2005 Wisconsin Act 456] Section 7 (2) EMERGENCY RULES. Using the procedure
5 under section 227.24 of the statutes, the department of commerce shall may
6 promulgate as emergency rules the rules required under subchapter VII of chapter
7 101 of the statutes, as created by this act, and under section 101.19 (1) (k) of the
8 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
9 statutes, the emergency rules promulgated under this subsection may remain in
10 effect until the date on which the permanent rules required under subchapter VII
11 of chapter 101 of the statutes, as created by this act, and under section 101.19 (1) (k)
12 of the statutes, as created by this act, take effect. Notwithstanding section 227.24
13 (1) (a) and (3) of the statutes, the department of commerce is not required to provide
14 evidence that promulgating rules under this subsection as emergency rules is
15 necessary for the preservation of the public peace, health, safety, or welfare and is
16 not required to provide a finding of emergency for the rules promulgated under this
17 subsection. ~~The department of commerce shall promulgate the rules required under~~
18 ~~this subsection no later than the first day of the 9th month beginning after the~~
19 ~~effective date of this subsection.~~

20 **SECTION 15.** 2005 Wisconsin Act 456, section 7 (3) is amended to read:

21 [2005 Wisconsin Act 456] Section 7 (3) EFFECT ON COLLECTIVE BARGAINING
22 AGREEMENTS. If a person is affected by a collective bargaining agreement that is in
23 effect on ~~the effective date of this subsection~~ June 1, 2008, and that contains
24 provisions that are inconsistent with subchapter VII of chapter 101 of the statutes,
25 as created by this act, then, notwithstanding subchapter VII of chapter 101 of the

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1 statutes, as created by this act, the person may perform its obligations, and exercise
2 its rights, under those provisions of the collective bargaining agreement until the
3 collective bargaining agreement expires or is extended, modified, or renewed,
4 whichever occurs first.

5 **SECTION 16.** 2005 Wisconsin Act 456, section 7 (5) is amended to read:

6 [2005 Wisconsin Act 456] Section 7 (5) GRACE PERIOD FOR OBTAINING PERMIT TO
7 OPERATE EXISTING CONVEYANCES. Notwithstanding section 101.983 (2) of the statutes,
8 as created by this act, the owner or lessee of any conveyance, as defined in section
9 101.981 (1) (c) of the statutes, as created by this act, in operation on ~~the effective date~~
10 ~~of this subsection~~ June 1, 2008, shall obtain the permit required under section
11 101.983 (2) of the statutes, as created by this act, no later than the first day of the
12 6th month beginning after ~~the effective date of this subsection~~ June 1, 2008. This
13 subsection does not apply to any person required to obtain a permit under rules of
14 the department of commerce that are in effect before the effective date of this
15 subsection.

16 (END)